

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA)

Plaintiff,)

v.)

DTE ENERGY COMPANY, and)
DETROIT EDISON COMPANY)

Defendants.)
_____)

Civil Action No. 2:10-cv-13101-BAF-RSW

HON. BERNARD A. FRIEDMAN
MAG. JUDGE R. STEVEN WHALEN

**PLAINTIFF'S MOTION FOR LEAVE TO FILE EXHIBIT
UNDER SEAL AND IN THE TRADITIONAL MANNER**

Pursuant to Local Rule 5.3(b), Paragraph 11 of the Court's Stipulated Protective Order Regarding Confidential Information and Documents (Dkt. 39) and R18 of the Electronic Filing Policies and Procedures of this Court, the United States respectfully moves for leave to file the exhibit listed below, in support of its Reply to its Motion for Preliminary Injunction (Dkt. 8), under seal.

Exhibit 13F (DTE Energy - Monroe Unit 2 Reheater Replacement, Utility Capital Committee Review, October 2009) is being filed under seal and in the traditional manner because Defendants consider the information contained within these documents as confidential under the terms of the Court's Stipulated Protective Order Regarding Confidential Information and Documents (Dkt. 39). Defendants consent to the filing of this motion.

For the foregoing reason, the undersigned respectfully requests that this Court grant the United States leave to file Exhibit 13F (DTE Energy - Monroe Unit 2 Reheater Replacement,

Utility Capital Committee Review, October 2009) in support of its Reply to its Motion for Preliminary Injunction under seal and in the traditional manner.

Respectfully Submitted,

IGNACIA S. MORENO
Assistant Attorney General
Environment & Natural Resources Division

November 18, 2010

JUSTIN A. SAVAGE, Senior Counsel
THOMAS A. BENSON, Trial Attorney
Environmental Enforcement Section
Environment & Natural Resources Division
U.S. Department of Justice
P.O. Box 7611
Washington, D.C. 20530
(202) 514-5261
thomas.benson@usdoj.gov

BARBARA L. McQUADE
United States Attorney

Dated: November 18, 2010

s/Ellen Christensen
ELLEN CHRISTENSEN
Assistant United States Attorney
211 W. Fort Street, Suite 2001
Detroit, Michigan 48226
Phone: (313) 226-9112
Fax: (313) 226-3800
ellen.christensen@usdoj.gov
(P-29574)

OF COUNSEL:

SABRINA ARGENTIERI
MARK PALERMO
SUSAN PROUT
Associate Regional Counsel
United States Environmental Protection Agency, Region 5
77 W. Jackson Blvd.
Chicago, Illinois 60604

APPLE CHAPMAN
Attorney Adviser
United States Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington D.C. 20460

CERTIFICATE OF SERVICE

I hereby certify that on October 6, 2004, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

MICHAEL J. SOLO, JR.
DTE Energy Co.
One Energy Plaza
Detroit, MI 48226-1279
solom@dteenergy.com

MATTHEW J. LUND
Pepper Hamilton LLP
100 Renaissance Center,
36th Floor
Detroit, MI 48243
lundm@pepperlaw.com

MARK B. BIERBOWER
F. WILLIAM
BROWNELL
MAKRAM B. JABER
JAMES W. RUBIN
Hunton & Williams LLP
1900 K Street, NW
Washington DC 20006
mbierbower@hunton.com
bbrownell@hunton.com
mjaber@hunton.com
jrubin@hunton.com

Attorneys for Defendants

I further certify that I have mailed by the foregoing to the following non-ECF participants:

NONE

BARBARA L. McQUADE
United States Attorney

s/Ellen Christensen
ELLEN CHRISTENSEN
Assistant United States Attorney
211 W. Fort Street, Suite 2001
Detroit, Michigan 48226
Phone: (313) 226-9112
Fax: (313) 226-3800
ellen.christensen@usdoj.gov
(P-29574)